

ADVISORY OPINION NO. 96-14
ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION
ON APRIL 4, 1996

GOVERNMENTAL BODY SEEKING OPINION

A County Employee

OPINION SOUGHT

Is it a violation of the Ethics Act for a County employee to seek election to a County office?

FACTS RELIED UPON BY THE COMMISSION

The requester is employed by the County and would like to seek election to the position of County magistrate. He reviewed all local rules and regulations with the County Commission before filing his candidacy papers. The requester now seeks a formal Advisory Opinion from the Ethics Commission regarding any restrictions which may be imposed by the Ethics Act.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

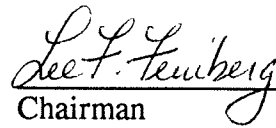
In its evaluation of this request the Ethics Commission reviewed the code of conduct established pursuant to WV Code 6B-2-5 in its entirety.

ADVISORY OPINION

In considering this request, the Ethics Commission has analyzed the facts presented in light of the statutory violations contained in the Ethics Act. The Commission has determined that there is no provision of the Ethics Act which would prohibit the requester, as a County employee, from seeking election to the position of County magistrate.

Although in this instance, there is no evidence that such actions have occurred, the Commission would remind the requester that pursuant to WV Code 6B-2-5(b)(1) a public employee may not use his public position for his own private gain. The Commission's legislative rules on private gain expressly prohibit the use of public time, equipment, materials and resources for private activities. (See 158 CSR 6-5.2 and 6-8) Clearly, the office space, phones, stationary and other items provided to the public employee for use in the performance of his public responsibilities may not be used to subsidize an election campaign.

This opinion is limited to possible violations of the Ethics Act and does not grant the requester immunity from any other legal restrictions which may prohibit County employees from seeking election to a County office.


Chairman